

## Office of the Secretary of Defense

## § 147.2

- 147.8 Guideline F—Financial considerations.
- 147.9 Guideline G—Alcohol consumption.
- 147.10 Guideline H—Drug involvement.
- 147.11 Guideline I—Emotional, mental, and personality disorders.
- 147.12 Guideline J—Criminal conduct.
- 147.13 Guideline K—Security violations.
- 147.14 Guideline L—Outside activities.
- 147.15 Guideline M—Misuse of information technology systems.

### Subpart B—Investigative Standards

- 147.18 Introduction.
- 147.19 The three standards.
- 147.20 Exception to periods of coverage.
- 147.21 Expanding investigations.
- 147.22 Transferability.
- 147.23 Breaks in service.
- 147.24 The national agency check.

### Subpart C—Guidelines for Temporary Access

- 147.28 Introduction.
- 147.29 Temporary eligibility for access.
- 147.30 Temporary eligibility for access at the CONFIDENTIAL AND SECRET levels and temporary eligibility for “L” access authorization.
- 147.31 Temporary eligibility for access at the TOP SECRET levels and temporary eligibility for “Q” access authorization. For someone who is the subject of a favorable investigation not meeting the investigative standards for access at those levels.
- 147.32 Temporary eligibility for access at the TOP SECRET and SCI levels and temporary eligibility for “Q” access authorization: For someone who is not the subject of a current, favorable personnel or personnel-security investigation of any kind.
- 147.33 Additional requirements by agencies.

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### Subpart A—Adjudication

#### § 147.1 Introduction.

The following adjudicative guidelines are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information. They apply to persons being considered for initial or continued eligibility for access to classified information,

to include sensitive compartmented information and special access programs and are to be used by government departments and agencies in all final clearance determinations.

#### § 147.2 Adjudicative process.

(a) The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudicative process is the careful weighing of a number of variables known as the whole person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following actors:

- (1) The nature, extent, and seriousness of the conduct;
- (2) The circumstances surrounding the conduct, to include knowledgeable participation;
- (3) The frequency and recency of the conduct;
- (4) The individual's age and maturity at the time of the conduct;
- (5) The voluntariness of participation;
- (6) The presence or absence of rehabilitation and other pertinent behavioral changes;
- (7) The motivation for the conduct;
- (8) The potential for pressure, coercion, exploitation, or duress;
- (9) The likelihood of continuation of recurrence.

(b) Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.

(c) The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense determination based